IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6446 OF 2005

Anshukumar Matta ...Applicant
Vs.
The State of Maharashtra ...Respondent

Mr. Niranjan Mundargi i/by Shri S.R. Mithane for the Applicant.
Ms M.H. Mhatre, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 26, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. By the order dated 06th October, 2004 passed by this Court in Criminal Application No.4212 of 2004, Anticipatory Bail was granted in favour of the Applicant. While granting Anticipatory Bail, this Court directed the Applicant to surrender his passport to the Investigating Officer. This Court observed that having regard to the nature of duties of the Applicant, in case he is required to leave India to attend to his duty, it will be open to the Applicant to apply to this Court for appropriate relief. Accordingly, on earlier occasion an Application was made by the Applicant for grant of permission to go abroad for a limited period and the said permission was granted by this Court. The submission of the Applicant is that considering the nature of his

employment, he is required to go abroad by a very short notice and it becomes difficult for the Applicant to apply to this Court and obtain permission within a short time. The Applicant has filed an undertaking in this Court stating that whenever he goes abroad, before leaving the country, he will furnish complete itinerary of his programme of travelling abroad to the Investigating Officer. He will also submit to the Investigating Officer alongwith itinerary the particulars of the flight and his address and contact telephone number. It is stated in the undertaking that as soon as he comes back to India, he will give intimation to the Investigating Officer in writing within a period of seven days from the date of his arrival. The undertaking given by the Applicant to this Court is accepted.

2. The learned A.P.P. has submitted a copy of report dated 25th October, 2005 submitted by the Investigating Officer to the Office of Public Prosecutor. It is stated in the report that in view of the assurances given by the Applicant, the Investigating Officer has no objection for returning the passport subject to conditions which may be imposed by this Court. In view of the aforesaid

undertaking given by the Applicant and in view of the statement made by the Investigating Officer in the report, a case is made out for modification of order dated 06th October, 2004.

3. Hence, I pass the following order:

: O R D E R :

i) The condition incorporated in the order dated 06th October, 2004 in Application No.4212 of 2004 directing the Applicant to surrender passport to the Investigating Officer is deleted and the Investigating Officer is directed to return the passport to the Applicant, subject to following conditions:

(a) Before travelling abroad, the Applicant will inform in writing to the Investigating Officer his complete itinerary of travelling programme. He will also furnish to the Investigating Officer alongwith itinerary, the details of his flights and address of his place of residence and contact telephone numbers while he is abroad.

(b) He will inform the Investigating Officer in

writing about his arrival in India within a period of week from the date on which he returns to India.

ii) If the Applicant commits breach of any of the aforesaid conditions, it will be open for the Respondent to apply for modification of this order.

iii) Application is disposed of accordingly.

iv) Parties to act upon an authenticated copy of this order.

JUDGE